

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | |
|------------------------|---|
| Attorney Docket No. | OMRF 177 DIV |
| First Inventor | John B. Harley |
| Title | Assays and Therapies for Latent Viral Infection |
| Express Mail Label No. | EL 717 747 096 US |

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 44]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets _____]
5. Oath or Declaration [Total Sheets _____]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ Paper
 - c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Items 9 & 10 are from prior application
Serial No. 09/718,693

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/718,693

Prior application information:

Examiner A. R. Salimi

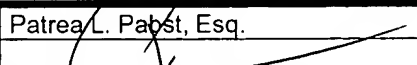
Art Unit: 1648

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number: 23579 OR ☐ Correspondence address below

| | | | |
|---------|---------------------------------------|-----------|----------------|
| Name | Patrea L. Pabst, Holland & Knight LLP | | |
| Address | 2000 One Atlantic Center | | |
| | 1201 West Peachtree Street | | |
| City | Atlanta | State | GA |
| Country | United States of America | Telephone | (404) 817-8473 |
| | | Zip Code | 30309-3400 |
| | | Fax | (404) 817-8588 |

| | | | |
|-------------------|---|-----------------------------------|-----------------|
| Name (Print/Type) | Patrea L. Pabst, Esq. | Registration No. (Attorney/Agent) | 31,284 |
| Signature |  | Date | August 22, 2003 |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OMRF 177 DIV - 078617/00016

03913 U.S. PTO
10/646132
08/22/03

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 639.00

Complete if Known

Application Number Divisional of 09/718,693
Filing Date August 22, 2003
First Named Inventor John B. Harley
Examiner Name
Art Unit
Attorney Docket No. OMRF 177 DIV

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

50-1868

Holland & Knight LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|--------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 750 | 2001 | 375 | Utility filing fee | 375.00 |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$) 375.00 |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|-----------------|
| 40 | -20** = 20 | X 9.00 = | 180.00 |
| Independent Claims | 5 | -3** = 2 | X 42.00 = 84.00 |
| Multiple Dependent | | 0 | = 0.00 |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid |
| 1204 | 84 | 2204 | 42 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$) 264.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month | |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | |
| 1401 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional | |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 | 235 | Design issue fee | |
| 1503 | 630 | 2503 | 315 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Name (Print/Type) Patrea L. Pabst, Esq. Registration No. 31,284 Telephone (404) 817-8473
Signature Date August 22, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

OMRF 177 DIV - 078617/00016

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John B. Harley, Judith A. James, and Kenneth M. Kaufman

Serial No.: Divisional of 09/718,693

Express Mail Label
No. EL 717 747 096 US

Filed: August 22, 2003

Date of Deposit: August 22, 2003

For: *ASSAYS AND THERAPIES FOR LATENT VIRAL INFECTION*

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR FILING A DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), Applicants enclose for filing the attached new patent application entitled "*Assays and Therapies for Latent Viral Infection*". This application is a divisional of pending prior application Serial No. 09/718,693, filed November 22, 2000, entitled "*Assays and Therapies for Latent Viral Infection*", by John B. Harley, Judith A. James, and Kenneth M. Kaufman, which claims the benefit of U.S. Serial No. 60/167,212 filed November 24, 1999. The application includes 1 page of abstract, 38 pages of specification, 5 pages of claims, 4 pages of sequence

Divisional of U.S.S.N. 09/718,693
Filed: August 22, 2003
**REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 717 747 096 US
Date of Deposit: August 22, 2003

listing, and a copy of the executed Declaration for Patent Application from prior application
Serial No. 09/718,693.

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration for Patent
Application included in the new application is a copy of the executed Declaration filed in parent
application Serial No. 09/718,693, to which the new application claims benefit.

The inventorship for the claims in the new application is the same as in parent application
Serial No. 09/718,693.

Enclosed are a Preliminary Amendment and an Information Disclosure Statement. Please
amend the application in accordance with the Preliminary Amendment.

This application contains nucleic acid and/or protein sequences as defined in 37 C.F.R.
§ 1.821-1.825. The sequence listing for the new application is identical to the sequence listing
for Serial No. 09/718,693, filed November 22, 2000, by John B. Harley, Judith A. James, and
Kenneth M. Kaufman. Sequence listings in computer readable form were submitted in
application Serial No. 09/718,693 on October 8, 2002. No subsequent sequence listing was
submitted. Accordingly, pursuant to 37 C.F.R. § 1.821(e), Applicants hereby request that the
computer readable form of the sequence listing submitted in application Serial No. 09/718,693 on
October 8, 2002, be used as the computer readable form of the sequence listing for the new
application. The application has a paper copy of the Sequence Listing incorporated therein.

I declare that the material in the prior sequence listing is identical to the paper copy of the
Sequence Listing present in the new application, that the Sequence Listing does not add new

Divisional of U.S.S.N. 09/718,693
Filed: August 22, 2003
**REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 717 747 096 US
Date of Deposit: August 22, 2003

matter to the application, and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Enclosed from prior application Serial No. 09/718,693 are copies of the (a) Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers ; (b) Statement Under 37 CFR §3.73(b); and (c) Notices of Recordation of Assignments of rights from Judith A. James and Kenneth M. Kaufman to Oklahoma Medical Research Foundation; from John B. Harley to The Board of Regents of the University of Oklahoma; and from The Board of Regents of the University of Oklahoma to Oklahoma Medical Research Foundation.

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal (in duplicate).

This application is entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

Enclosed is a check in the amount of \$639.00 to cover the filing fee for a small entity. It is believed that this is the proper filing fee since the application includes 5 independent claims and a total of 40 claims upon entry of the enclosed Preliminary Amendment.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868. To facilitate this process, Applicants enclose a duplicate of this transmittal.

The power of attorney in the prior application is to Patrea L. Pabst.

Divisional of U.S.S.N. 09/718,693
Filed: August 22, 2003
**REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 717 747 096 US
Date of Deposit: August 22, 2003

All correspondence concerning this application should be mailed to:

Customer No. 23579
Patrea L. Pabst, Esq.
HOLLAND & KNIGHT LLP
2000 One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, GA 30309-3400

This application is being filed on August 22, 2003, by mailing the application to
Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450 via the United States Postal Service "Express Mail Post Office to Addressee"
Service under 37 C.F.R. § 1.10. The Express Mail Label number appears in the heading of this
paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Date: August 22, 2003

HOLLAND & KNIGHT LLP
2000 One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, Georgia 30309-3400
(404) 817-8473 (Telephone)
(404) 817-8588 (Fax)

Divisional of U.S.S.N. 09/718,693
Filed: August 22, 2003
**REQUEST FOR FILING A DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 717 747 096 US
Date of Deposit: August 22, 2003

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, August 22, 2003, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 717 747 096 US, addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Pam Turnbough

Date: August 22, 2003

ATL1 #590576 v1